

Message Text

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ACTION SPTA-02

INFO OCT-01 ARA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 OPR-02 A-01 CA-01 CPR-03 AID-05 SCS-06
/084 W

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R 071847Z AUG 78
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC 8327
INFO PANCANAL
USSOUTHCOM

LIMITED OFFICIAL USE SECTION 01 OF 03 PANAMA 05684

E.O. 11652: N/A

TAGS: AFSP, MARR, EWWT, PN

SUBJ: USE BY EMBASSY AND OTHER USG AGENCIES OF MILITARY
AND CANAL COMMISSION FACILITIES UNDER NEW CANAL TREATY
1. THE EMBASSY AND OTHER USG AGENCIES OF US MISSION IN
PANAMA ARE CURRENTLY AUTHORIZED BY DOD AND PANCANAL IN
CANAL ZONE TO UTILIZE A WIDE VARIETY OF OFFICIAL AND
EMPLOYEE SUPPORT SERVICES AND FACILITIES LOCATED THERE.
THESE INCLUDE: OFFICIAL TELECOMMUNICATIONS AND POSTAL
SERVICES; EMBASSY WAREHOUSING; DEPENDENT EDUCATIONAL
SERVICES; COMMISSARY AND EXCHANGE FACILITIES; ETC. GORGAS
HOSPITAL IS MEDICAL EVACUATION POINT FOR USG CIVILIAN AND
MILITARY PERSONNEL IN MUCH OF LATIN AMERICA, AND CANAL
ZONE IS E&E SAFE-HAVEN POINT FOR MOST SUCH POSTS.

2. AT PRESENT, RIGHT OF US AUTHORITIES IN CANAL ZONE TO
ACCORD PRIVILEGE OF ACCESS TO OR USE OF THEIR FACILITIES
AND SERVICES TO OTHER USG AGENCIES AND TO PERSONNEL OF
SUCH AGENCIES ASSIGNED TO OR OTHERWISE PRESENT IN PANAMA
AND DEPENDENTS IS CLEAR AND INDISPUTABLE. IT WILL
OBVIOUSLY BE IN THE INTEREST OF CONTINUED EFFECTIVE
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CONDUCT OF OPERATIONS OF ALL USG AGENCIES IN PANAMA AND
ELSEWHERE IN LATIN AMERICA THAT THIS REMAIN THE CASE AFTER
THE NEW CANAL TREATY ENTERS INTO FORCE.

3. UPON ENTRY INTO FORCE, CANAL COMMISSION AND MILITARY
FACILITIES OR SERVICES WILL BE ESTABLISHED AND OPERATED
IN PANAMA PURSUANT TO TERMS OF AGREEMENTS IN IMPLEMENTA-

TION OF ARTICLES III AND IV. THOSE AGREEMENTS RESTRICT RIGHT OF RESPONSIBLE US AUTHORITY TO AFFORD ACCESS TO THEM ONLY TO CERTAIN CATEGORIES OF PERSONS EXPLICITLY DEFINED IN THE AGREEMENTS, OR TO SUCH OTHER CATEGORIES OF PERSONS AS THE TWO GOVERNMENTS MAY AGREE. IT IS THEREFORE HIGHLY DESIRABLE TO OBTAIN AT AN EARLY DATE SPECIFIC GOP AGREEMENT TO UNRESTRICTED USE OF SUCH FACILITIES OR SERVICES BY OTHER USG AGENCIES, THEIR EMPLOYEES AND DEPENDENTS.

4. THE BILATERAL BODIES ESTABLISHED BY THE AGREEMENTS IN IMPLEMENTATION (COORDINATING COMMITTEE FOR CANAL COMMISSION, JOINT COMMITTEE FOR MILITARY) WOULD NORMALLY BE CHANNELS TO OBTAIN SUCH GOP AGREEMENT. BUT THESE BODIES WILL NOT FORMALLY EXIST UNTIL ENTRY INTO FORCE. THEY WILL HAVE A MASSIVE AMOUNT OF WORK TO DO AT THE OUTSET, INCLUDING DECISIONS ON ACCESS TO FACILITIES AND SERVICES FOR AN EXTENSIVE LIST OF PERSONS AND ORGANIZATIONS NOW INVOLVED IN ONE WAY OR ANOTHER.

5. ACCORDINGLY, EMBASSY PROPOSES TO APPROACH GOP AT LEVEL OF AMBASSADOR TO FOREIGN MINISTER AND SEEK, WITHOUT UNDUE FANFARE, TO OBTAIN AGREEMENT BY GOP, THROUGH IMMEDIATE EXCHANGE OF NOTES, TO USE OF MILITARY OR CANAL COMMISSION SERVICES OR FACILITIES BY OTHER USG AGENCIES, EMPLOYEES AND DEPENDENTS. IT IS UNDERSTOOD THAT RIGHT OF COMMISSION OR MILITARY AUTHORITIES TO GRANT OR REFUSE SUCH PRIVILEGES TO OTHER AGENCIES WOULD NOT IN ANY WAY LIMITED OFFICIAL USE

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BE PRE-JUDGED BY THIS ACTION; WHAT WE ARE SEEKING IS, BY THE EXCHANGE OF NOTES, TO REMOVE THE GOP FROM THE EQUATION AND MAKE IT A STRICTLY INTRA-USG MATTER.

6. SOUTHCOM HAS ASKED THAT I SEEK TO INCLUDE IN THE EXCHANGE OF NOTES RETIRED MILITARY AND OTHER CATEGORIES NOW ELIGIBLE FOR SUCH SERVICES, AND I WILL DO SO IF IT SEEMS FEASIBLE AFTER MY FIRST CONTACTS WITH THE FOREIGN MINISTER. (SEE PENULTIMATE PARAGRAPH IN DRAFT NOTE IN PARAGRAPH 8 BELOW.) IT IS POSSIBLE, HOWEVER, THAT THE GOVERNMENT OF PANAMA WILL CONSIDER U.S. GOVERNMENT EMPLOYEES' PRIVILEGES A DIPLOMATIC MATTER AND THUS PROPERLY A CONCERN OF THE FOREIGN MINISTRY, WHILE OTHER PRIVILEGES MIGHT BE CONSIDERED A TREATY-IMPLEMENTATION QUESTION. IN ANY EVENT, I PROPOSE TO DISPOSE OF AS MUCH OF THE PROBLEM AS POSSIBLE.

7. THIS MESSAGE HAS BEEN COORDINATED LOCALLY WITH PAN-CANAL AND USSOUTHCOM, WHICH CONCUR IN TEXT OF SUGGESTED NOTE BELOW AND IN OUR RECOMMENDED MANNER OF APPROACHING THIS SUBJECT. PANAMA CANAL ADVISES, HOWEVER, THAT IT CANNOT SUPPORT AN EXTENSION OF UNLIMITED PRIVILEGES TO EMPLOYEES OF THE EMBASSY AND OTHER AGENCIES AS LONG AS

THE RESTRICTION IMPOSED BY ARTICLE XIII OF THE AGREEMENT
IN IMPLEMENTATION OF ARTICLE III OF THE PANAMA CANAL
TREATY REMAINS IN EFFECT. ARTICLE XIII PLACES A FIVE
YEAR LIMITATION ON THE ELIGIBILITY OF COMMISSION
EMPLOYEES TO USE MILITARY POSTAL SERVICES, COMMISSARIES
AND PX'S. PANAMA CANAL FEELS THAT IF EXTENSION OF
UNRESTRICTED PRIVILEGES TO OTHER U.S. GOVERNMENT
EMPLOYEES IS INDEED CONTEMPLATED, THEN THE U.S. SHOULD
REOPEN THE MATTER WITH RESPECT TO COMMISSION EMPLOYEES
AND SEEK REMOVAL OF THE SINGULARLY ADVERSE ASPECT OF
ARTICLE XIII AFFECTING THEM. UNLESS DEPARTMENT HAS

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INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 OPR-02 A-01 CA-01 CPR-03 AID-05 SCS-06
/084 W

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R 071847Z AUG 78
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC 8328
INFO PANCANAL
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OBJECTION, AMBASSADOR INTENDS TO BROACH SUBJECT WITH
FOREIGN MINISTER AT FIRST APPROPRIATE OPPORTUNITY, AND
TO PRESENT DRAFT NOTE AD REFERENDUM FOR GOP
CONSIDERATION.

8. FOLLOWING IS EMBASSY RECOMMENDED DRAFT NOTE:

"EXCELLENCY:

"I HAVE THE HONOR TO REFER TO THE PANAMA CANAL TREATY
AND RELATED AGREEMENTS BETWEEN OUR TWO COUNTRIES SIGNED
AT WASHINGTON ON SEPTEMBER 7, 1977.

"THE AFOREMENTIONED AGREEMENTS, AND IN PARTICULAR THE
AGREEMENTS IN IMPLEMENTATION OF ARTICLES III AND IV OF
THE PANAMA CANAL TREATY, GRANT TO THE UNITED STATES OF
AMERICA THE RIGHTS TO ESTABLISH, MAINTAIN AND OPERATE A
VARIETY OF ACTIVITIES AND SERVICES IN THE REPUBLIC OF

PANAMA, AND TO USE FACILITIES, LANDS AND WATERS NECESSARY FOR THOSE PURPOSES. AT THE PRESENT TIME, CERTAIN ACTIVITIES OF SIMILAR TYPES ARE CONDUCTED BY CIVILIAN AND MILITARY AGENCIES OF THE UNITED STATES IN THE CANAL ZONE, AND ARE MADE AVAILABLE BY THOSE AGENCIES FOR USE BY LIMITED OFFICIAL USE

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THE EMBASSY OF THE UNITED STATES, BY OTHER AGENCIES FORMING PARTS OF THE UNITED STATES DIPLOMATIC MISSION IN THE REPUBLIC OF PANAMA, AND AS WELL BY CERTAIN OTHER AGENCIES AND INSTRUMENTALITIES OF THE UNITED STATES CURRENTLY LOCATED IN THE CANAL ZONE WHOSE FUTURE STATUS IN THE REPUBLIC OF PANAMA IS ADDRESSED IN VARIOUS AGREEMENTS AND NOTES RELATED TO THE TREATIES.

"IN ORDER TO FACILITATE CONTINUED EFFECTIVE CONDUCT OF THE BUSINESS OF UNITED STATES AGENCIES ASSOCIATED WITH THE DIPLOMATIC MISSION OF THE UNITED STATES, OR OTHERWISE PRESENT IN THE REPUBLIC OF PANAMA PURSUANT TO AGREEMENT BETWEEN OUR COUNTRIES, IT WILL BE CONVENIENT FOR THE GOVERNMENT OF THE UNITED STATES FROM TIME TO TIME TO MAKE AVAILABLE TO SUCH AGENCIES FOR THEIR OFFICIAL PURPOSES, AND TO THE CITIZENS OF THE UNITED STATES ASSIGNED TO THE STAFFS OF SUCH AGENCIES, OR WHO ARE EMPLOYEES OF SUCH AGENCIES PRESENT IN PANAMA PURSUANT TO THEIR AGENCY'S AUTHORIZATION, OR TO DEPENDENTS OF SUCH EMPLOYEES WHEN PRESENT IN PANAMA PURSUANT TO SUCH AUTHORIZATION, VARIOUS OF THE SERVICES ESTABLISHED BY THE UNITED STATES PURSUANT TO THE TWO AGREEMENTS IN IMPLEMENTATION MENTIONED ABOVE.

"THE SAID AGREEMENTS IN IMPLEMENTATION PROVIDE THAT ACCESS TO AND/OR USE OF FACILITIES, ACTIVITIES AND SERVICES ESTABLISHED BY THE UNITED STATES IN THE REPUBLIC OF PANAMA SHALL BE LIMITED TO CERTAIN CATEGORIES OF PERSONS SPECIFICALLY DEFINED THEREIN AND TO SUCH OTHER CATEGORIES OF PERSONS AS OUR TWO GOVERNMENTS MAY AGREE.

"ACCORDINGLY I PROPOSE, EXCELLENCY, THAT BY THIS NOTE AND YOUR EXCELLENCY'S AFFIRMATIVE RESPONSE TO IT, OUR GOVERNMENTS AGREE THAT AMONG THE SAID OTHER CATEGORIES OF PERSONS WHO MAY BE AUTHORIZED BY THE APPROPRIATE UNITED STATES MILITARY OR CIVILIAN AUTHORITIES TO USE ANY LIMITED OFFICIAL USE

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FACILITIES, INSTALLATIONS, ACTIVITIES OR SERVICES ESTABLISHED PURSUANT TO THE AGREEMENTS IN IMPLEMENTATION OF ARTICLES III AND IV OF THE PANAMA CANAL TREATY, UNTIL DECEMBER 31, 1999, SHALL BE:

-- THE EMBASSY OF THE UNITED STATES OF AMERICA TO THE
REPUBLIC OF PANAMA, AND THOSE OTHER AGENCIES OF THE
GOVERNMENT OF THE UNITED STATES OF AMERICA ASSOCIATED
WITH OR FORMING PART OF THE DIPLOMATIC MISSION OF THE
UNITED STATES IN THE REPUBLIC OF PANAMA, FOR ANY
OFFICIAL PURPOSE;
-- AGENCIES OR INSTRUMENTALITIES OF THE GOVERNMENT OF
THE UNITED STATES OF AMERICA PRESENT IN THE REPUBLIC OF
PANAMA PURSUANT TO AGREEMENT BETWEEN THE TWO GOVERNMENTS,
TO THE EXTENT CONSISTENT WITH SUCH STIPULATIONS AS MAY BE
CONTAINED IN THE AGREEMENTS RELATING TO THE STATUS AND
ACTIVITIES OF SUCH AGENCIES, FOR ANY OFFICIAL PURPOSE;
-- THE OFFICERS AND EMPLOYEES OF SUCH AGENCIES WHO ARE
CITIZENS OF THE UNITED STATES OF AMERICA ASSIGNED TO DUTY
IN THE REPUBLIC OF PANAMA, AND THEIR DEPENDENTS; AND
-- THE OFFICERS AND EMPLOYEES OF AGENCIES OF THE GOVERN-
MENT OF THE UNITED STATES WHO ARE CITIZENS OF THE UNITED
STATES, AND THEIR DEPENDENTS, WHEN PRESENT IN PANAMA
PURSUANT TO AUTHORIZATION OR DIRECTION OF THEIR AGENCIES
AND/OR OF THE EMBASSY OF THE UNITED STATES TO THE
REPUBLIC OF PANAMA;

-- THOSE PERSONS, SUCH AS RETIRED MEMBERS OF THE U.S.
MILITARY FORCES AND THEIR DEPENDENTS; SURVIVING DEPENDENT
PARENTS; SPOUSES, AND CHILDREN OF MEMBERS OF DECEASED
ACTIVE OR RETIRED MEMBERS OF THE U.S. MILITARY FORCES;
MINOR CHILDREN OF DIVORCED MILITARY MEMBERS RESIDING
SEPARATELY FROM THE MEMBERS; AND DISABLED VETERANS OF THE
U.S. MILITARY FORCES; WHO BY VIRTUE OF THEIR PREVIOUS
MILITARY ASSOCIATION HAVE ACQUIRED CONTINUING ENTITLEMENTS

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R 071847Z AUG 78
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC 8329
INFO PANCANAL
USSOUTHCOM

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TO THE USE OF FACILITIES OPERATED BY THE U.S. MILITARY
FORCES, UNDER THE REGULATIONS OF THESE FORCES.

"ACCEPT, EXCELLENCY, THE RENEWED ASSURANCE OF MY
HIGHEST CONSIDERATION."

JORDEN

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Message Attributes

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